

In re Jorge GUEVARA and Anna Guevara, Debtors

No. 95-10663-BKC-AJC

(Cite as: 258 B.R. 59)

Mortgagee filed a motion for an order directing the trustee to disburse funds for payment of increased taxes and insurance costs. The debtors objected arguing that the debt was discharged as their second confirmed plan provided for payments to Mortgagee. The Court held that the terms of the mortgage provide for the payment of the annual shortfalls by the debtors and 11 U.S.C. s 1322(b)(2) requires payment thereof pursuant to the mortgage provisions. Therefore, the debtors' liability under the terms of their mortgage, which includes payment of all taxes and insurance, is unaffected by the debtors' plans.